

HOUSE JOINT RESOLUTION 03

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Greg Payne

A JOINT RESOLUTION

PROPOSING TO AMEND THE CONSTITUTION OF NEW MEXICO TO AUTHORIZE
AN INITIATIVE PROCESS FOR STATE LAWS OR CONSTITUTIONAL
AMENDMENTS.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. It is proposed to amend Article 4 of the
constitution of New Mexico by adding a new section to read:

"A. The people reserve the power of initiative to
amend the constitution and laws of New Mexico.

B. The initiative is the power of the people to
propose statutes and amendments to the constitution of New
Mexico and to adopt or reject them. A constitutional amendment
proposed by initiative requires a petition signed by a number
of qualified voters equaling not less than eight percent of the
votes cast for all candidates for governor at the last

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1 gubernatorial election, and a statute proposed by initiative
2 requires a petition signed by a number of qualified voters
3 equaling not less than five percent of the votes cast for all
4 candidates for governor at the last gubernatorial election.

5 C. A petition for a statute, filed with the
6 secretary of state not less than ninety days before a regular,
7 special or extraordinary session of the legislature, shall be
8 submitted by the secretary of state to the legislature for its
9 consideration at the session. If the initiative is enacted
10 into law by the legislature, then the law is effective upon
11 signature by the governor, unless the initiative provides for a
12 later effective date. If the initiative, as proposed, is not
13 enacted into law, then it shall be placed on the ballot
14 pursuant to Subsection D of this section. If the proposed
15 initiative is amended and enacted into law, then neither the
16 proposed initiative nor the enacted law shall be effective and
17 both shall be placed on the ballot pursuant to Subsection D of
18 this section.

19 D. The question of whether to approve or reject a
20 petition for a constitutional amendment shall be submitted to
21 the voters by the secretary of state at the next general or
22 special statewide election called for that purpose occurring
23 not less than four months after the initial petition is filed
24 with the secretary of state. The question of whether to
25 approve or reject a statutory initiative required to be placed

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1 on the ballot pursuant to Subsection C of this section shall be
2 submitted to the voters by the secretary of state at the next
3 general or special statewide election called for that purpose
4 occurring after the end of the legislative session during which
5 the initiative was considered. An initiative approved by a
6 majority of voters voting on the question shall take effect the
7 day after certification of the election results by the state
8 canvassing board, unless the initiative provides for a later
9 effective date; provided that if provisions of two or more
10 initiatives approved at the same election conflict, those of
11 the initiative receiving the highest number of votes shall take
12 effect. A special election for consideration of an initiative
13 pursuant to this subsection may be called by the governor or
14 may be held pursuant to a law enacted by the legislature.

15 E. No statutory initiative shall create a public
16 debt or provide for local or special laws.

17 F. No initiative shall embrace more than one
18 subject.

19 G. A statutory initiative that has been approved by
20 the voters may only be amended or repealed by subsequent action
21 of the legislature with a two-thirds' vote of the members
22 elected to each house.

23 H. An initiative for a statute or constitutional
24 amendment that has been rejected by the voters shall not be
25 placed on a ballot again pursuant to this section until a

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1 minimum of two years has elapsed.

2 I. It is a felony for any person to sign a petition
3 with a name other than his own, to sign more than once for the
4 same measure or to sign a petition when not a qualified
5 elector.

6 J. The legislature shall enact laws necessary for
7 the effective exercise of the power hereby reserved."

8 Section 2. The amendment proposed by this resolution
9 shall be submitted to the people for their approval or
10 rejection at the next general election or at any special
11 election prior to that date that may be called for that
12 purpose.